

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Yvette Baker-Fertini,
Plaintiff
v.
Geico Casualty Company,
Defendant

Case No.: 2:16-cv-2547-JAD-VCF

**Order Granting Motion to Remand
[ECF No. 14]**

Plaintiff Yvette Baker-Fertini moves to remand this case back to the Eighth Judicial District Court whence it was removed, arguing that the value of this case does not meet the jurisdictional threshold.¹ Removing defendant Geico's opposition to the motion was due two weeks ago, no opposition has been filed, and no extension of the deadline was sought. Having removed this case based on diversity, it is Geico's burden to establish that the amount in controversy in this case exceeds the jurisdictional amount.² The face of the complaint suggests only that the case value exceeds \$50,000, and Geico has offered no response to Fertini's remand motion, let alone evidence to support an amount in controversy that exceeds \$75,000. Accordingly, because Geico has failed to satisfy its burden, and because Geico's failure to oppose this motion "constitutes a consent to" granting it under Local Rule 7-2(d),

IT IS HEREBY ORDERED that **the motion to remand [ECF No. 14] is GRANTED.** This case is remanded back to the Eighth Judicial District Court, Case No. A-16-743598-C, Dept. XXVIII;

IT IS FURTHER ORDERED that **the hearing on the motion** for remand scheduled for **4/10/17 at 2:30 p.m. is VACATED.**

DATED: March 28, 2017


JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE

¹ ECF No. 14.

² See, e.g., *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398 (9th Cir. 1996).